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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,056	02/28/2002	Noel Kerjean	Q68613	6464

7590 11/30/2004  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037-3213

EXAMINER

WEAVER, SUE A

ART UNIT PAPER NUMBER

3727

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/084,056

Applicant(s)

KERJEAN, NOEL

Examiner

Sue A. Weaver

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,11,13-18 and 20-29 is/are rejected.
- 7) ☒ Claim(s) 9 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3727

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There doesn't appear to be any description of a projection adjacent to the retainer forming a space between the retainer and projection to accommodate the cord as claimed in new claim 21. It appears that applicant is claiming the embodiment shown in Figure 3 where the hook is flush with the body portion 7. It is noted that applicant has not identified any support for the new claims.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smithson '981, of record.

Applicant is advised that the claim for a carrying system for carrying a portable item of equipment is not considered to patentable distinguish h the structure set forth in claim 25 over that of Smithson. Note Figure 3 showing member 1 which has two openings 10 for receiving the ends of cord 6 which exit the member through a single opening 11 at the bottom.

3. Claims 1-4, 10, 11-14 and 20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Bindon in view of Adams et al, both of record.

Bindon teaches a system for a rope or cord which has many uses and includes a member 10 on a loop (30) retaining two strands through channels 14 to form a closed loop defining an aperture (34) The member includes a first retainer (22) for retaining a

Art Unit: 3727

portion of the cord loop for forming a double loop as shown in Figure 4B. In the event that applicant doesn't agree that the rope is equivalent to a cord, Adams et al teach a rope (20) which is a cord which is forms a double loop as part of a carrying system. To have used a cord would have been most obvious in view of the teaching by Adams et al. Member 14 of Bindon forms the second retainer while catch member 22 has a groove and since it provides frictional engagement with the rope is considered to have a dimension smaller than the cross sectional dimension of the rope, as claimed. Note that member 20 of Adams et al is greater than 40 cm.

4. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1-4 above, and further in view of Smithson '981. of record.

To have merely formed the channels for the cord such that they merge at one end to provide a locking means for the loop would have been obvious in view of Smithson '981.

5. Claims 5-7, 15-17 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 4, 14 and 28 above, and further in view of either Prosen or Bealmar, both of record.

To have further provided the device with a lock by forming a channel with an dimension which engages the rope and resists movement would have been obvious in view of such teaching by either Prosen at 7 or Bealmar et 109.

Art Unit: 3727

6. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bindon in view of Adams et al and Bealmar in the manner set forth in the paragraph above.

Note that the retainer of Bealmar includes a projection spaced from the retainer, as claimed.

7. Claims 8 and 18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1 and 11 above, and further in view of Eggeman, of record

To have provided the device of Bindon with a second catch or a fastening would have been obvious in view of such teaching by Eggeman at 20.

8. Claims 9 and 19 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 30 is allowed.

10. Applicant's arguments filed 8/6/04 have been fully considered but they are not persuasive. Applicant's only argument is that there is no teaching of making the width of the groove in the retaining means less than the cross sectional width of the cord. However Adams et al clearly teach such a relationship for 30 at A with a radius of 0.28 cm while the cord had a larger cross section with a diameter of 0.63 cm. Therefore the rejection is repeated and made final. Claims 2 and 12 have been canceled.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3727

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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Art Unit: 3727

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is (703) 308-1186. The examiner can normally be reached on Tuesday-Friday.

— The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sue A. Weaver  
Primary Examiner